

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2015-152787-001 DT

04/12/2016

HONORABLE GREG S. COMO

CLERK OF THE COURT
A. Marquez
Deputy

STATE OF ARIZONA

NATHAN A MORALES

v.

BRIAN LAWRENCE LAMEW (001)
DOB: 04/07/1985

AMY S ELLINGSON

APO-SENTENCINGS-CCC
APPEALS-CCC
DISPOSITION CLERK-CSC
RFR

SUSPENSION OF SENTENCE - PROBATION GRANTED

9:05 a.m.

Courtroom CCB 801

State's Attorney:	Thomas Bailey for Nathan Morales
Defendant's Attorney:	Amy Ellingson
Defendant:	Present

Court Reporter, Lori Thielmann, is present.

A record of the proceeding is also made by audio and/or videotape.

This is the time set for Sentencing.

Gary Jensen addresses the Court on behalf of the Defendant.

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Count(s) 3: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 3 Possession or Use of Narcotic Drugs
Class 4 Felony

A.R.S. § 13-3401, 3408, 3408(A)(1), 3418, 901.01(F), 901.01(D), 805, 12-116.04, 269, 13-610, 701, 702, and 801

Date of Offense: 11/17/2015

Non Dangerous - Non Repetitive

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the Defendant on probation for:

Count 3 Probation Term: 3 years

To begin 04/12/2016.

IT IS ORDERED that probation in COUNT 3 shall run concurrent with probation in CR2013-001160-001 and CR2013-428138-001.

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8: Request and obtain written permission of the APD prior to leaving the State.

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 3 - \$75.00 per month, beginning 12/01/2016.

FINE: Count 3 - Total amount of \$3,660.00, which includes surcharges of 83%, payable \$50.00 per month beginning 12/01/2016.

PROBATION ASSESSMENT: Count 3 - \$20.00 payable on 12/01/2016.

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Count 3: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00 payable on 12/01/2016.

PENALTY ASSESSMENT - A.R.S. §12-116.04: Count 3 - \$13.00 payable on 12/01/2016.

Investigative Agency:

Mesa Police Department

Count 3: \$15.00 to the Technical Registration Fund payable on 12/01/2016.

All amounts payable through the Clerk of the Superior Court.

Condition 16: Not consume or possess any substances containing alcohol.

Condition 17: Count 3: Complete a total of 360 hours of community restitution. Complete a set number of hours per month as directed in writing by APD. Complete hours at a site approved by the APD.

Condition 18: Count 3: Be incarcerated in the county jail for 6 month(s), beginning 04/12/2016 with credit for 22 day(s) served.

Report to the APD within 72 hours of release from jail. Comply with all program rules.

Defendant shall participate in Work Furlough (participation is contingent upon Jail Classification/ MCSO approval).

Condition 22: Other: The Court requests that Adult Probation coordinate treatment and rehabilitation efforts with Gary Jensesn per his 03/14/2016 memo to Megan Wiehn.

IT IS FURTHER ORDERED that Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant placed on probation who has not already had a State Identification Number (SID) established to submit to fingerprint processing.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

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1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.

2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

Count(s) 3: IT IS ORDERED remanding Defendant to the custody of the Maricopa County Sheriff.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

The presentence investigation report is filed under this cause.

9:30 a.m. Matter concludes.

IT IS ORDERED that defense counsel shall preserve defendant's file for post-conviction relief purposes. If defense counsel receives notice that defendant is seeking post-conviction relief, counsel shall prepare the file for delivery to PCR counsel and shall make timely arrangements for the exchange thereof when notified. Further, upon exchange of the file, defense counsel shall file with the court a Notice of Compliance that shall, at a minimum, include date of compliance, recipient of the file, and an itemization of contents of the file. A copy of the Notice shall be provided to PCR counsel, the State and the PCR Unit.

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE GREG S. COMO
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)